

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:94-CR-00139-F-2  
No. 5:16-CV-00409-F

KEVIN JERMAINE MELVIN, )  
Petitioner, )  
v. )  
UNITED STATES OF AMERICA, )  
Respondent. )

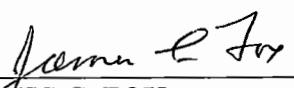
O R D E R

This matter is before the court on Kevin Jermaine Melvin's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-83]. Having examined Melvin's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within **forty (40)** days of the filing of this order.

Melvin asserts challenges based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and he previously qualified for appointed counsel. Sherri R. Alspaugh with the Office of the Federal Public Defender has been appointed to represent Melvin pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015).

SO ORDERED.

This 17 day of June, 2016.

  
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JAMES C. FOX  
SENIOR UNITED STATES DISTRICT JUDGE